

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ORPHEUS HUSTON,

Plaintiff,

Case No. 03-C-139

v.

UNITED STATES OF AMERICA,

Defendant.

OPINION AND ORDER

Based upon the stipulation of the parties, the court ORDERS that Orpheus Huston's "Petition Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" (filed February 20, 2003) IS DENIED because it is moot.

IT IS FURTHER ORDERED that the Clerk of Court shall enter a final judgment as a separate document. See Federal Rule of Civil Procedure 58. This judgment shall provide that:

Orpheus Huston brought a motion for relief pursuant to 28 U.S.C. § 2255 before the court, the Honorable Thomas J. Curran, District Judge, presiding, and the motion having been denied because it is moot,

IT IS ORDERED AND ADJUDGED

that this action is dismissed with prejudice.

Done and Ordered in Chambers at the United States Courthouse,
Milwaukee, Wisconsin, this 1st day of November, 2005.

s/ Thomas J. Curran
Thomas J. Curran
United States District Judge